

November 4, 2013

**BOARD OF SELECTMEN
MINUTES
NOVEMBER 4, 2013**

Present: Thomas Creamer, Chairman
Priscilla Gimas
Mary Redetzke
Mary Blanchard
Mary Dowling
Shaun Suhoski, Town Administrator

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

Public Service Announcements

P. Gimas said that there had been a great response for helpers for the dinner at the Senior Center.

M. Blanchard announced the trip to New York City sponsored by the Recreation Department scheduled for December 14th.

M. Dowling expressed thanks to all for the Trick or Treat event held on the Town Common on October 31st.

Appointment of Christopher Adams: Firefighter/EMT-P:

S. Suhoski said that the recommendation of acting Chief Ford, together with the resume of Mr. Adams, had previously been forwarded to the Board. He said that the Town is fortunate that Mr. Adams, originally from Sturbridge, has moved back to the area and brings with him paramedic credentials, bachelor's and master's degrees, and experience as both a firefighter and an EMT-paramedic. The appointment of Mr. Adams will strengthen the ranks of the Sturbridge Fire Department.

M. Blanchard and M. Dowling noted their preference to wait for the appointment to be made by the next permanent Fire Chief.

MOTION: To ratify the Town Administrator's appointment of Christopher D. Adams, of Brimfield, to the position of Firefighter/EMT-Paramedic, effective November 12, 2013, at the hourly rate of \$25.40 subject to a six-month probationary period in accordance with the collective bargaining agreement, by P. Gimas.

2nd: M. Redetzke

Vote: Three in favor; M. Dowling and M. Blanchard opposed.

Appointment of Nicholas DaDalt: Call Firefighter Lieutenant

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S. Suhoski said that the recommendation of acting Chief Ford, together with the resume of Mr. DaDalt, had previously been forwarded to the Board. Mr. DaDalt holds a bachelor's degree in fire science administration and is working on his master's degree in public administration. He is a Sturbridge resident and has been employed for over eight years with UMass-Memorial EMS and has been a call member of the Sturbridge Fire Dept. from 2002-2007 and again since July 2010. He emerged as the top candidate for the call position in a promotional process completed on October 16th, and S. Suhoski recommended ratification of the promotion.

MOTION: To ratify the Town Administrator's appointment of Nicholas J. DaDalt, of Sturbridge, to the position of call Lieutenant Firefighter/EMT-I, effective November 5, 2013 and subject to a six-month probationary period in accordance with the collective bargaining agreement, by T. Creamer.

2nd: P. Gimas

Vote: Three in favor; M. Dowling and M. Blanchard opposed.

Liquor License Informational Hearings

The Board had been made aware that the Board of Health has ongoing concerns with respect to the Title V / septic status at Hyland Orchards. Further, S. Suhoski distributed to the Board information which indicated that there may be more than one business – or an unlicensed business entity – operating the facility currently licensed to Pioneer Brewing.

Although S. Suhoski was on vacation for the October 15th meeting, it was his understanding that the Board called for these hearings so that the management, permitting and licensing issues could be clarified by all involved parties. Notices were sent via certified mail on October 16th to the following parties:

<u>Entity</u>	<u>Sent</u>	<u>Return Receipt</u>
Pioneer Brewing Company, LLC	10/16/13	signed 10/17/13
Rapscallion c/o Daniel Group	10/16/13	signed 10/17/13
Eugene/Sarah Damon (Hyland)	10/16/13	--
Atty. Michael Caplette (Hyland)	10/16/13	received / no date

Todd Sullivan of Pioneer Brewing and Peter Daniel of Rapscallion appeared before the Board.

T. Creamer said that the Board of Selectmen has been extremely supportive of alcohol licenses, and there is no limit on the number of alcohol licenses issued by the Town of Sturbridge. He said that if irregularities have occurred, the Board will take this under advisement and decide whether punitive action is required.

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S. Suhoski provided the Board with an overview of the matter. Hyland Orchard and Brewery has a current liquor license; Pioneer Brewing is a tenant of theirs. The Board of Health and MassDEP have septic concerns at the site. He noted that it affects the Board of Health with respect to their issuance of a food permit. RapsCALLION will take over the business from Pioneer. It has been noted by a town official that RapsCALLION products are now being sold on the premises, but RapsCALLION does not have a liquor license to do so. Hyland Orchard has the ability to brew on the premises for another entity.

Peter Daniel explained that Pioneer is under a brewer's bond, and has been brewing for RapsCALLION for a few years now. Todd Sullivan said that Pioneer is allowed to brew and sell what is produced on their site, and the label must say "Brewed by Pioneer Brewing." He noted that this is how they brew other beers at their facility.

S. Suhoski said that the Farmer/Brewer licensed is issued through the state. He said that if Pioneer contract brews for RapsCALLION, it must go to a distributor to sell.

Todd Sullivan said that RapsCALLION sells to a distributor directly, and the beer is poured and sold by Pioneer, as it is brewed by Pioneer. The bond is issued by the Tax and Trade Bureau. He said that the Farmer Brewer License, which is issued by the ABCC, allows them to self distribute, sell on site, and allows two ounce samples to be offered.

T. Creamer said that the RapsCALLION website states that in 2013 RapsCALLION had taken over the operation of Pioneer Brewing, while Todd Sullivan just said that he owns it. He noted that RapsCALLION does not have a liquor license from the Board of Selectmen and ABCC. He said that RapsCALLION is advertising on their website that everyone should come to the RapsCALLION Tap Room at 195 Arnold Road and enjoy a pint of their alcohol, and growlers are available for sale, while there is no mention of Pioneer Brewing. Also, on their Tweet page, on September 15th RapsCALLION stated that it was their first official day in Sturbridge. He said that in none of these places does it lead anyone to believe that anyone other than RapsCALLION has full control of management at that site. RapsCALLION has been involved in a marketing campaign that indicates that they have complete ownership of the Pioneer Brewing facility and that Pioneer Brewing no longer exists. He noted that RapsCALLION has never come before the Board to request a liquor license.

M. Dowling asked whether Pioneer Brewing still exists as an independent business from RapsCALLION. Todd Sullivan said that it does, and RapsCALLION is in the process of trying to buy out the LLC. M. Dowling added that the brewer's bond does not negate the need for a liquor license from the ABCC.

T. Creamer said that the Board needs to see documentation on who owns the operation and who is in charge in order to determine whether there is an entity there that is operating illegally. Todd Sullivan said that the legal entity is Pioneer Brewing.

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Peter Daniel said that they are not breaking any laws; Pioneer has a license and is currently brewing for RapsCALLION. He noted that transfer of ownership is a very involved process. T. Creamer said that this information should have been brought to the Board of Selectmen as the local licensing authority. M. Dowling said that if the transfer of ownership had already taken place, there would be documents in front of the Board. She said that from a legal standpoint, RapsCALLION is in the process of taking over the ownership of Pioneer, but it has not taken place yet.

Todd Sullivan said that Pioneer Brewing still exists, and he is the owner and manager. RapsCALLION beer is made at the Pioneer location as a tenant brewer. He assured the Board that RapsCALLION will come before the Board for a liquor license.

M. Dowling said that Town Counsel had advised that RapsCALLION cannot make beer and sell it without going through a distributor. Todd Sullivan insisted that the beers that they make in-house they are allowed to sell as long as they are labeled, "Pioneer Brewing."

S. Suhoski said that beer is subject to a food permit, so there may be a separate issue involving the Board of Health.

P. Gimas noted that Pioneer Brewing had not been inspected by the Fire Department last year, according to Lt. Marinelli. Todd Sullivan said that he had not received any paperwork on that or any notification in the mail.

T. Creamer said that liquor licensing and the monitoring thereof is the single most important thing that the licensing authority does to ensure the overall public safety of the residents of Sturbridge, as well as those who visit the community. The Board needs to know who can be held accountable there.

M. Dowling asked Todd Sullivan to provide the Town Administrator with a letter explaining how he brews the beer and sells it, along with his legal counsel's opinion. T. Creamer requested that RapsCALLION provide a detailed explanation as to who owns the facility, what RapsCALLION's role is in that facility, and what the future plans are with respect to that facility. He stressed the need for full disclosure.

Resignation of Call Firefighter: The Board had been provided with the resignation letter of call firefighter Joseph Overly.

MOTION: That the Board of Selectmen accept the resignation of call firefighter Joseph Overly with regret and appreciation for his service to the community, by M. Redetzke.

2nd: P. Gimas

Vote: All in favor.

Resignation of Edward Bourassa

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MOTION: That the Board of Selectmen accept the resignation of Acting Fire Chief Edward Bourassa with regret and appreciation for his service to the community, by M. Redetzke.

2nd: P. Gimas

Vote: All in favor.

Appointments to Sturbridge Tourist Association

S. Suhoski said that after further request, the Recreation Committee has filled a designated slot on the STA with Kadion Phillips. Now, after an extended period of vacancy and numerous advertisements, he proposed two appointments to fill a pair of the designated seats on the Sturbridge Tourist Association; namely, a representative from a hotel/motel located in Sturbridge and an owner of a tourist-related business.

Liz Smick is the manager of The Scoop Deck ice cream shop (this is co-located with Admiral T.J. O'Briens), and Michelle Rondeau is the rooms division manager of The Publick House. They were both interested and willing to volunteer for this committee.

MOTION: That the Board of Selectmen ratify the Town Administrator's appointments of Liz Smick (tourist related business) for a term expiring June 30, 2014, and Michelle Rondeau (hotel/motel) for a term expiring June 30, 2015, to the Sturbridge Tourist Association, by M. Redetzke.

2nd: P. Gimas

Vote: All in favor.

Excerpt from General Bylaw Chapter 1.92 (re: Composition of STA)

- One (1) member from the Board of Selectmen to be appointed by the Board of Selectmen annually.
- One (1) member from one of the following: Finance Committee, Planning Board, or Recreation Committee, to be appointed annually.
- Two (2) members, owners or their representatives, of a Hotel/Motel/Inn/B&B located within the geographic boundary of Sturbridge, one to be appointed for an initial term of one year, and one to be appointed for an initial term of two years.
- One (1) member, an owner or representative of a tourist related business (retail, restaurant or similar tourist related activity) located within the geographic boundary of Sturbridge, to be appointed for an initial term of three years. In the event this seat remains open due to a lack of qualified applicants from the retail, restaurant, or similar tourist activity, the Town Administrator may choose to fill the seat with a member from among the owners of Hotel/Motel/Inn/B&Bs who operate a business located within the geographic boundary of Sturbridge.
- Two (2) Sturbridge residents at large, one to be appointed for an initial term of three years, and one to be appointed for an initial term of two years.

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Staff Vacancies: S. Suhoski informed the Board that while the Town has made good progress over the past three months, there remain a few vacancies to be filled:

Town Accountant (updated 11/1): This position was posted as “open until filled.” The Finance Director and S. Suhoski met this week to discuss the status of the recruitment, and also to interview an additional applicant that had come forward. This applicant will undergo a second interview and S. Suhoski will update the Board as further information develops. The Interim Town Accountant is amenable to continuing during this search process with the assistance of the Finance Director.

Fire Chief (updated 11/1): The Board had been provided a separate, detailed update which was also available on the home page of the Town’s Web site. Public interviews of finalist candidates begin at 1:00 p.m. on Thursday, November 7th.

Finance Committee Part-time Clerk / Recording Secretary (updated 10/1): This posting had closed and all information had been provided to the Finance Committee Chairman, who advised that he will be working on this after mid-October. As with the prior appointment, the FinCom is capable of selecting a preferred candidate which S. Suhoski will later bring forward for appointment.

Part-time Clerk – Conservation (updated 11/1): The Town received four applications for this position as of the October 11th closing date, and the Conservation Agent has completed interview. S. Suhoski expects to have a candidate for appointment at 15 hours per week at the November 18th meeting.

Other Matters: Following were brief updates on other pending matters.

- **Municipal Buildings:**

- ***Library (no change from 10/21 update)*** – There were no responses for price quotes by the October 18th deadline. The new Building Inspector will review the status of this project with the Library Director and S. Suhoski this week to see if further refinement to the scope of work is needed. Separately, the initial design costs for the skylight replacement are \$3,900 for Drummey Rosane Architects, which was included in the FY14 capital plan. A letter agreement is being developed to initiate this work for consideration of funding through the FY15 capital plan.
- ***Town Hall / Center Office Building (updated 11/1)*** – The HVAC vendor did return for the annual replacement of all unit air filters. Also, the carpets at Town Hall and COB are scheduled for cleaning over the weekend with hypoallergenic process. Quotes for installation of “pig tails” or other electrical interface for use with portable generators need to be initiated as directed by the Board of Selectmen further to the emergency operations plan discussion.

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- **Public Safety Complex (updated 11/1)** – CME has initiated design and will provide repair specifications within the next few weeks for consideration in the next capital plan or at a special town meeting.
- **Infrastructure Projects:**
 - **Champeaux Road Bridge:** This project is eligible for state Chapter 90 funds. The Board has also requested S. Suhoski to research whether other sources of funds are available to help cover the estimated \$1.45 million total cost of bridge replacement. Following is a concise summary of the recent chronology:
 - November 2012: Study report completed by CME Associates, Inc.
 - March 2013: Town Administrator and DPW Director meet with Army Corps of Engineers project manager re: project and potential funding.
 - June 2013: Town Administrator and Board of Selectmen author letters to Governor supporting increase to general Chapter 90 allocation.
 - July 2013: Governor increases initial Ch. 90 allocation from \$150M to \$200M (or \$432,116 for Sturbridge).
 - July 2013: Town Administrator met with representative from USDA-Rural Development concerning various funding opportunities for public projects.
 - July 2013: Champeaux Road residents met with Board of Selectmen to discuss project and timeline.
 - August 2013: Town Administrator submits letters-of-interest through CDBG-DR grant program for Champeaux Road bridge replacement and for Walker Pond drainage improvements.
 - August 2013: DPW Director and Town Administrator met with residents of Champeaux Road to review preliminary plans and timeline as requested by Board of Selectmen.
 - August 2013: following request of Town Administrator, Rep. Todd Smola inquires about state funding through MassDOT (none available, however, MassDOT regional engineer to work with DPW Director on review of CME plans and options).
 - CME incorporated verbal comments from Army Corps of Engineers into preliminary plans.
 - The DPW Director has the preliminary plans and is reviewing them. Once approved the project will need to be budgeted through Ch. 90 and/or other resources by approval of Board of Selectmen.
 - Site meeting with CME, DPW Director and MassDOT conducted on October 11th to further design development and inquire about state bridge funding.
 - Next: project estimated for January-February 2014 bid with one year construction period commencing early summer 2014 subject to availability of funds.

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- **Tree Planting Program:** Mountain View Landscapes completed the fall planting schedule and will perform additional watering and follow-up per the inspections of the Tree Warden and certified arborist. The balance of work, funded through a \$50,000 DCR grant, will be completed in the spring of 2014.
- **Other Meetings / Miscellaneous:** Other items include: S. Suhoski prepared and attended several fire chief screening committee meetings; chaired CMRPC Legislative Breakfast; met with Finance Director and DPW Director for preliminary planning on various water / sewer matters; participated in local access / WESO radio broadcast on duties of a town administrator; witnessed the scary-but-cute “Horribles Parade” to the Common; lengthy discussion with resident concerned with Zoning Board action on special permit request; attended unified permitting system training with administrative assistant. *NOTE: an updated action check list including items from the Board’s October 21 meeting will be provided as supplemental information.*

Correspondence

M. Redetzke read the correspondence list into the record.

Old Business

T. Creamer referenced the Letter to the Editor from Marilyn Desy, saying that Town Meeting is ineffective and outdated.

New Business

T. Creamer said that yellow trails are being marked without the knowledge of the Trails Committee or the Conservation Agent.

Citizens’ Forum

Ginger Peabody appeared before the Board. She questioned when the list of 10 comparative towns had last been reviewed. She noted that the Board needs to uphold the Town Bylaws. She suggested that the Board reinstate phone call-ins for Ask the Selectmen. She noted that staff morale is low, and should be addressed by the Board.

Executive Session

MOTION: To convene in executive session under MGL Chapter 30A, §18-25, Paragraph #3: To discuss strategy with respect to collective bargaining, not to reconvene in open session, by M. Redetzke.

2nd: M. Blanchard

Roll call vote: P. Gimás in favor, T. Creamer in favor, M. Redetzke in favor; M. Dowling in favor; M. Blanchard in favor.

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The Board convened in executive session at 9:50 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date